

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

J&J SPORTS PRODUCTION, INC.,
Plaintiff,

INDEX # 08-CV-3009(VM)

RESPONSE

-against-

EL PASO BAR& GRILL CORP.
d/b/a EL PASO BAR & GRILL
and ALVARO ACEVEDO
Defendant,

-----X

Paul J. Hooten, an attorney duly admitted to practice law in the Courts of the State of New York and a member of the firm of Paul J. Hooten & Associates, in response to the Order to Show Cause filed by the Honorable Victor Marrero, states as follows:

1. That I am the attorney for the Plaintiff herein, and as such, am fully familiar with the facts and circumstances of the within action.
2. This action was commenced following the defendants unauthorized exhibition of the telecast of the boxing event between Erik Morales and Manny Pacquiao on March 19, 2005.
3. A summons and complaint was filed with the Court on March 24, 2008.
4. On May 5, 2008, the plaintiff served summons and complaint upon defendant El Paso Bar & Grill Corp., via the New York Secretary of State.
5. On May 16, 2008, the defendant, Alvaro Acevedo was served with the summons and complaint pursuant to the New York CPLR §308
6. The Affidavit of Services have been filed electronically and are docketed with this Court.
7. To date neither defendant has filed an answer to the Complaint.

8. The Plaintiff has recently obtained a Clerk's Certificate of Default.

9. The plaintiff's attorney has now prepared, and intends to file this week, a motion for default judgment pursuant to the Honorable Victor Marrero's Chamber Rules.

10. The plaintiff has, and always did have, every intention of prosecuting this case through to a judgment.

WHEREFORE, based on the above, it is respectfully requested that this Court allow plaintiff's attorney to file it's motion for a default judgment and not dismiss this matter for lack of prosecution.

Dated: September 4, 2008
Mt. Sinai, New York

Respectfully submitted,

/s/ Paul J. Hooten
Paul J. Hooten, Esq.
Paul J. Hooten & Associates
Attorney for the Plaintiff
5505 Nesconset Hwy., Suite 203
Mt. Sinai, New York 11766
(631)331-0547